

## **II. APPLICANTS' ARGUMENTS AND REMARKS**

### **a). Preliminary Remarks**

Claims 1-19, 23, 24, 33, 34, 37 and 38 are pending. Claims 1-4 and 6-19 are allowed. Claims 37 and 38 are objected to.

Claims 5, 23, 24, 33 and 34 stand rejected. Applicants cancel claims 23, 24 and 34 without prejudice with this response.

### **b). Claim Objections**

Claims 37 and 38 are objected to allegedly as being dependent upon a rejected independent claim. *See* page 7 of the Office Action.

However, claims 37 and 38 were amended with Applicants' Response of October 29, 2009 to depend from claim 1 which is allowable. *See* ¶16 of the Office Action.

Because claims 37 and 38 depend from an allowable claim, the objection to claims 37 and 38 may be properly withdrawn, and Applicants respectfully request this withdrawal.

### **c). Claim Rejections - 35 USC § 112**

#### **1. Rejection of Claims 33 and 34**

Claims 33 and 34 stand rejected under 35 USC § 112, first paragraph, allegedly for failure to comply with the written description requirement. Claim 34 is canceled with this response.

It would appear that the Examiner does not believe that the present invention is fully supported for target molecules other than antibodies. Reconsideration and withdrawal of the rejection are requested in view of the following.

In general terms the present invention relates to a method of designing a substrate surface which has desirable properties in terms of its ability to bind or capture target molecules of interest. The invention uses molecular modeling techniques in order to design a substrate surface which has the necessary binding potential. This is clearly explained on page 8 of the present specification. One skilled in the art would appreciate that the principle underlying the invention is of general applicability and that the invention may be applied to a variety of target molecules not just antibodies.

That said, the target molecule referred to in the claims is defined as having particular characteristics, specifically the target molecule must have a functional binding site and an anchor site remote from the functional binding site. Thus, the invention as claimed is limited by reference to essential characteristics of the target molecule. In the circumstances, noting the definition of the target molecule in the claims of the present application and noting the underlying principle of the present invention, it is submitted that one skilled in the art would appreciate that the present invention has greater applicability to target molecules other than antibodies. In view of this, it is submitted that restriction of the independent claims to refer to antibodies of the target molecule is not required.

In view of this argument, Applicants respectfully request that the Examiner would reconsider and withdraw the rejection of claim 33 under 35 USC § 112, first paragraph.

## **2. Rejection of Claims 5 and 24**

Claims 5 and 24 stand rejected under 35 USC § 112, second paragraph, allegedly as being indefinite for reciting the phrases “Fab fragment” and “Fc fragment”. Claim 24 is canceled with this response.

Claim 5 is amended with this response to specifically recite the “Fab region of the antibody” and the “Fc region of the antibody.” As amended, claim 5 is fully supported by the specification and does not introduce new matter.

In view of this amendment, the Examiner may properly withdraw the rejection of claim 5 under 35 USC 112, second paragraph.

### **d). Claim Rejections - 35 USC § 102(b)**

Claims 23 and 24 stand rejected under 35 U.S.C. 102(b) allegedly as being anticipated by *Turkova* et al (Journal of Chromatography B, Vol. 722, pages 11-31 (1999)).

To expedite prosecution of the above-identified patent application and without conceding that *Turkova* indeed anticipates the rejected claims, Applicants cancel claims 23 and 24 with this response. Therefore, the rejection of claims 23 and 24 allegedly as being anticipated by *Turkova* is moot.

### **e). Claim Rejections - 35 USC § 103(a)**

Claims 34 stands rejected under 35 U.S.C. § 103(a) allegedly as being obvious over *Turkova* et al (Journal of Chromatography B, Vol. 722, pages 11-31 (1999)) in view of *Penzol* et al (Biotechnology and Bioengineering Vol. 60, pages 518-523 (1998)).

To expedite prosecution of the above-identified patent application and without conceding that claim 34 is obvious over the *Turkova/Penzol* combination, Applicants cancel claim 34. Therefore, the rejection of claim 34 allegedly as being obvious is moot.

### **III. CONCLUSION**

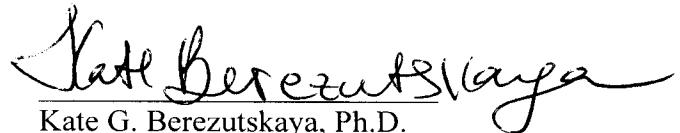
Applicants respectfully submit that the instant application is in good and proper order for allowance and early notification to this effect is respectfully solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at (312)-846-5622.

Respectfully submitted,

HOWREY LLP

Dated: July 9, 2010

By:

A handwritten signature in cursive script, reading "Kate Berezutskaya".

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